

Applicant : Eric J. Baculy
Appln. No. : 10/524,575
Page : 3

REMARKS

Claims 1-8 have been canceled. Accordingly, upon entry of the above amendments, claim 9 will be pending and under consideration in the above-referenced application.

Claim Rejections Under 35 U.S.C. §102

Claims 1-3 and 5-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wiley (U.S. Patent No. 4,787,147). With respect to pending claim 9, the Examiner had merely stated that “The stabilizing washer includes at least one pin receivable in the additional aperture; or plurality of arms (new cl. 9).”

The Examiner’s reasoning is not understood. The Wiley patent does not use the word “pin” in any portion of the specification, and does not describe any feature that could be reasonably interpreted to represent “at least one pin receivable in the additional aperture; or plurality of arms.”

While the Examiner’s position is not understood, there does not seem to be any reasonable question as to whether Wiley discloses a tool as claimed having the required “one-piece stabilizing washer.” Rather than disclosing a one-piece stabilizing washer, Wiley discloses an eight-piece stabilizing washer that includes a main body 30, four coil springs 90, two movable arcuate segments 32 and 34, and a spiral ring 54 for holding the arrangement together. Without any of these eight components, the stabilizing washer assembly of Wiley would not serve its intended function, and would not otherwise comply with the requirements of pending claim 9.

While it can be readily appreciated that the claimed invention using a one-piece stabilizing washer rather than an eight-piece stabilizing washer assembly as disclosed by Wiley, has many advantages, Wiley does not disclose such advantages, and does not provide any reason for modifications necessary to achieve the claimed invention. Accordingly, it is respectfully submitted that Wiley neither anticipates nor makes obvious the claimed invention.

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tygh, Jr. (U.S. Patent No. 3,564,824). With respect to claim 9, the Examiner has stated as follows:

Tool implement includes at least one additional aperture; or plurality of arms (new cl. 9). The stabilizing washer includes at

Applicant : Eric J. Baculy
Appln. No. : 10/524,575
Page : 4

least one pin receivable in the additional aperture; or plurality of arms (new cl. 9).

It appears to Applicant that while the Examiner has made reference to claim 9, the Examiner's statements regarding the "at least one additional aperture" appears to be directed to canceled claim 8, and not at all to claim 9.

Regardless, Tygh, Jr. does not teach or suggest a tool having a tool implement and stabilizing washers that are "configured to allow the arms of the stabilizing washer and the threaded fastener to pass through [the aperture] when the stabilizing washer is in at least a first orientation relative to the tool implement and to allow engagement of the arms of the stabilizing washer with the tool implement when the stabilizing washer is in at least a second orientation relative to the tool implement, whereby the tool implement may be securely retained on the shaft, post or handle and removed from the shaft, post or handle, as desired, without removing the threaded fastener from the threaded connection of the shaft, post, or handle."

Rather than disclosing a tool arrangement which allows a tool implement to be removed from a shaft without having to remove a threaded fastener, Tygh, Jr. discloses an arrangement in which an adapter 34 is inserted into a circular hole 20 of a blade 10 to form a resulting adapted blade that is held onto a shaft by a pressure washer that overlaps the adapter 34 and blade 10, and is held by a nut 54. Because the pressure washer must overlap both the adapter and blade as shown in FIGs. 4, 5 and 6, it is not possible to remove blade 10 from the shaft without completely removing nut 54. Accordingly, Tygh, Jr. does not disclose the claimed tool arrangement which requires that blade 10 is capable of being removed from the shaft without removing a threaded fastener such as nut 54.

The Examiner's remarks suggest that the Examiner does not fully appreciate the difference between adaptor 34 and pressure washers 52, 78 and 60. While it may very well be that adaptor 34 is capable of passing through blade 10 when it is in one orientation and is not capable of passing through when it is in another orientation, all of the embodiments described by Tygh, Jr. include a pressure washer that overlaps with the blade, and prevents removal of the blade unless the pressure washer is first removed, which itself cannot be removed unless threaded

Applicant : Eric J. Baculy
Appln. No. : 10/524,575
Page : 5

fastener 54, 62 or 80 are removed. Although adaptor 34 may be passed through blade 10, this does not allow removal of blade 10 without first removing a threaded fastener, as required by claim 9.

The adaptor arrangement described by Tygh, Jr. is not operable without pressure washers 52, 78 or 60, which prevent removal of blade 10 unless nut 54, 80 or 62 is completely removed from shafts 46, 68 or 56, respectively.

Thus, Tygh, Jr. does not anticipate or make obvious the claimed invention which, unlike Tygh, Jr., allows removal of a tool implement such as a blade without removing a threaded fastener.

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that the above-referenced application is in condition for allowance and notice of the same is requested.

Respectfully submitted,

October 31, 2007
Date

/Gunther J. Evanina/
Gunther J. Evanina, Registration No. 35 502
Price, Heneveld, Cooper, DeWitt & Litton, LLP
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

GJE/drs/dac